



SOUTH CAROLINA DEPARTMENT OF AGRICULTURE

OUTSIDE EMPLOYMENT OR BUSINESS ACTIVITY POLICY

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE DEPARTMENT OF AGRICULTURE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE DEPARTMENT OF AGRICULTURE RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. POLICY

It is the policy of the South Carolina Department of Agriculture (SCDA) that personnel of SCDA may not engage in outside employment or business activities except as authorized in this policy. For the purpose of this policy, outside employment is defined as employment with compensation outside SCDA or other business activities to include but not limited to paid consulting or owning a business. Employment with another state agency may be permitted under the Dual Employment policy.

Nothing contained in this policy shall abridge the authority of the Commissioner or his designee to order cessation of outside employment by an employee, where the employment creates the appearance of impropriety to the public or where the employment interferes with the employee's ability to perform his or her job duties satisfactorily. The decision of the Commissioner in such cases is not subject to appeal.

II. GUIDELINES

An employee may engage in outside activities for compensation where the following conditions are met:

- a. The employee will engage in the approved outside employment only during non-duty hours or when the employee is on pre-approved annual leave, compensatory leave, holiday leave, or leave without pay.
- b. The employee will not use SCDA facilities, funds, supplies, personnel, services, time or resources for the accomplishment of the outside employment. This provision in no way affects an employee's right to receive compensation for pre-approved annual leave, compensatory leave, or holiday leave.
- c. The employee will not represent, nor purport to represent, SCDA, the Commissioner, or employees while engaged in outside employment, nor will the employee purport to establish official SCDA policy or doctrine by his or her participation in any form of outside employment. Nothing contained in this provision shall prevent an employee, for purposes of a biographical sketch, resume, curriculum vitae or similar descriptive document, from listing his or her employment with the SCDA. Such a listing will not constitute an endorsement of the subject matter, content or validity of the outside employment activity in which it appears.

- d. The employee will not engage in outside employment which interferes with the needs of SCDA or which creates a conflict of interest with his or her employment at SCDA. "Conflict of Interest" for purposes of this provision, shall mean:
 - i. The outside employment activity has an objective contrary to the mission of the Agency, or gives the appearance of having such an objective; or
 - ii. The outside employment activity is with an entity or person regulated by the SCDA, or with whom the Agency has a business relationship.
- e. The employee will not engage in outside employment as a consultant to any person or entity in an attempt to circumvent the above described conflicts of interest.
- f. The employee will not engage in outside employment which constitutes an unauthorized practice for state employees under the laws or policies of this state.
- g. The employee will not use his position with SCDA, nor any information gained as a result of his SCDA position, to secure, continue, promote, or otherwise affect the outside employment.
- h. For the purposes of this policy, "employment" includes acting as an employee or consultant or having any interest or association in an entity which provides services which would be prohibited by this policy if performed by the employee directly.
- i. Violation of this policy may result in revocation of authorization of outside employment and/or disciplinary action.

III. GENERAL PROVISIONS

Approval for secondary employment may be withdrawn if the efficiency, effectiveness or productivity of the employee deteriorates.